

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under G.O. Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of certificate by the Collector & District Magistrate, Adilabad District vide Procs.Rc.No.C3/2596/2019-14, dt.01.02.2020 - Appeal filed by Chavan Dharmender S/o Kishore R/o Indervelly village of Indervelly Mandal of Adilabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

GG.O.Ms.No. 40

Dated: 22-12-2020

Read the following:-

1. G.O. Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procs.Rc.No.C3/2596/2019-14, dated 01.02.2020 of the Collector & District Magistrate, Adilabad District.
3. Appeal petition filed by Sri Chavan Dharmender S/o Kishore R/o Indervelly village of Indervelly Mandal of Adilabad District, dated 20.02.2020.
4. Govt.Memo.No.305/TW.LTR/2020, dated 06.06.2020
5. Lr.Rc.No.D5/309/2018, dated:30.07.2020 of the PO, ITDA, Utnoor, Adilabad District.
6. Notice No.305/TW.LTR/2020, dt. 28.08.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector & District Magistrate, Adilabad District in her Procs.Rc.No.C3/2596/2019-14, dated 01.02.2020, has issued orders declaring that Chavan Dharmender S/o Kishore R/o Indervelly village of Indervelly Mandal of Adilabad District is not a Local Scheduled Tribe as per definition of GO Ms.No.24, TW (LTR.1) Department, dt.12.06.2018, basing on the following findings of the Scrutiny Committee headed by PO ITDA Utnoor as Chairman.

- Appellant appeared before the Scrutiny Committee on 16.11.2019 and 30.01.2020 and submitted following documents:
 - Copy of 1358 Fasli (1948 year) of Narsapur-B village of Utnoor Mandal of Sy.No.3 in which name of Sri Deepchand S/o Alaram is mentioned.
 - Copy of Khasra record for the year 1954-55 in which name of Sri Deepchand S/o Alaram is recorded against Sy.No.3 to an extent of 16.03 acres situated in Narsapur-B village of Utnoor Mandla as Pattedar.
 - Copy of Wasool Baqui in which the old Sy.No.3 was not assigned the new Sy.No.
 - Copy of Sethwar in which land in Sy.No.3 is noted as Poramboke only.

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- Copy of pahani for the year 1962-63 to 1971-72 in which name of Sri Gambheerya S/o Sangram is recorded against Sy.No.3 as cultivator to an extent of acs.12.00 situated Narsapur village of Utnoor Mandal.
- Voter list for the year 1977 – name of Sri Palthya Gambheerya S/o Sanga is recorded at Sl.No.411 PS No.90 of Narsapoor of Khanapur Constituency.
- On verification of documents produced by the applicant, it is revealed that Sri Deepchand S/o Allaram was the pattedar in Sy.No.3 for the Fasli 1358 (1949 year) and in family tree the name of Sri Saga alias Sangram is shown as only son of Sri Deepchand and his grandson name is Gambheereya. But the relationship between the above three i.e. Sri Deepchand S/o Allaram & Sanga alias Sangram S/o Deepchand and Sri Gambheerya S/o Sangram is not established.
- Candidate has failed to produce any documentary evidence from the year 1954-55 to 1963-64. The gap period for more than (11) years is highly doubtful.
- Candidate has failed to produce any documentary evidence in the name of Sri Sanga alias Sangram S/o Deepchand.
- On field enquiry, it is also clearly established that Sri Deepchand S/o Allaram actually belongs to Mathura caste and is no way connected to the applicant. They simply added the name of Sri Deepchand S/o Allaram to the family tree without any relationship.
- Candidate has failed to furnish the documents continuous residing in Agency area from 1950 and tried to mislead the scrutiny committee with fake family tree.

3. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Adilabad District, the Appellant Chavan Dharmender S/o Kishore R/o Indervelly village of Indervelly Mandal of Adilabad District vide ref. 3rd read above, has filed an Appeal before the Government under GO Ms.No.24, dt.12.6.2018. The contentions of Chavan Dharmender S/o Kishore and the documents submitted along with the Appeal and also during the hearing on 05.09.2020 are as follows:

- The Tahsildar, Indervelly has issued the Local ST Certificate bearing No.C/267/2018, dt.25.07.2018 as per prescribed under GO Ms.No.24, TW (LTR.1) Dept. dt.12.06.2018 after verifying the link document and local elders' statement by the revenue officials.
- Statement of Sri Jadhav Devuji S/o Jaithram, aged 85 years, occupation: Agricultre R/o Jaithram Thanda H/o Narsapur-B, Mandal: Utnoor, Adilabad District has deposed that in his statement Sri Chavan Deepla alias Deepchand S/o Allaram residing before 1950 in the village and doing agriculture only. He is having one son namely Chavan Sanga alias Sangram S/o Deepchand, no other children are having by him. This statement of Sri Jadhav Devuji S/o Jaithram recorded and duly attested by the Advocate with seal and already produced it for evidence showing only one son.

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- Statement of Chavan Govinda S/o Ramlal, aged 80 years, occupation: Agriculture R/o Jaithram Thanda H/o Narsapur-B, Uttoor Mandal, District: Adilabad – wherein he has deposed that Sri Chavan Deepla alias Deepchand S/o Allaram residing before 1950 in the village and doing agriculture only. He is having only one son namely Chavan Sanga alias Sangram S/o Deepchand and no other children are having by him. This statement of Chavan Govinda S/o Ramlal recorded and duly attested by the Advocate with seal and already produced it for evidence showing only one son.
- Sri Chavan Deepla alias Deepchand S/o Allaram R/o Narsapur-B, Uttoor Mandal having land in Survey No.3 extent 16.03 acres situated at Narsapur-K and he was cultivating during his life time and he expired in the year 1956. After his expiry, his grandson Gambeera S/o Sangram was in possession of the land from 1962 to 1971, after that his son Sri Chavan Kishore cultivating the land from 1972 to till now. Xerox copies of pahanies are submitted.
- The pattedar Chavan Deepla alias Deepchand S/o Allaram, Survey No.3 extent 16.3 acres expired in the year 1956 and his son Sangram was also expired in the year 1961, due to which name of Sangram was not entered in the record. The Death Certificate issued by the Panchayat Secretary, GP Jaithram Thanda H/o Narsapur-B dated 15.11.2019 and self declaration of Chavan Kishore S/o Gambeera dated 15.11.2019 attested by the Advocate already submitted to DLSC.
- Due to death of Sangram S/o Deepchand expired on 15.7.1956, name of Gambeera S/o Sangram was recorded in the pahani for the year 1962-63 in Survey No.3 extent 12 acres situated at Narsapur-K village.
- Sri Gambeera S/o Sangram is having three daughters – 1) Gulabibai – illiterate and was married to Ade Surya S/o Lalsingh and he expired in the year 1980. Her name enrolled in 1977 voter list at Sl.No.396 Part No.90 her age 43 years from as on that date which was prior to 1950; 2) Kesaribai – she was expired and 3) Vimala Bai – she is alive. Her age was 45 years as on 01.01.1995. She was born in Narsapur-B village – non-availability of entry in the Birth Register was certified by the Panchayat Secretary and the same was submitted to DLSC. Xerox copy of above document and village elders' statement already submitted to the DLSC.
- In Wasool Baqui of 1960-61 of Narsapur-K village, Survey Number 3 of extent 16.03 guntas, in revision survey number was omitted, no survey number was assigned by the survey department in place of survey number 3 of 16.03 acres situated at Narsapur-K village.
- In Narsapur-B GP about 700 families resided in the village and all are SCs and STs, no single family of Mathura caste resided in the village. The finding that I made fake genealogy is unreal.
- Concerned papers pertaining to this case are submitted herewith that Sri Chavan Dharmender S/o Kishore is the eligible local ST as per certificate issued by the Tahsildar, Indervelly bearing No.C/267/2018, dated 25.07.2018 which is genuine.

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4. Therefore, the appellant Chavan Dharmender S/o Kishore prayed the Government to consider his appeal.

Documents submitted along with the Appeal and also during the hearing on 5.9.2020:

- As per family tree duly notarized – Deepchand S/o Allaram is great great grandfather of appellant Chavan Dharmender. Deepchand has only one son namely Sanga alias Sangram who relates to the appellant as great grandfather. Sangram (great grandfather) has four children namely 1) Gambeerya @ Gambeera (grandfather) 2) Farida 3) Raaga and 4) Narayan. Gambeerya @ Gambeera (grandfather of appellant) has four children viz., 1) Kishore (son) 2) Gulabi bai (daughter) 3) Kesribai (daughter) and 4) Vimalabai (daughter). Kishore i.e. father of the appellant Dharmender has 6 children viz., 1) Sandhya Rani (daughter) 2) Vanitha (daughter) 3) Dharmender (son and appellant herein) 4) Deepa (daughter) 5) Nandu (son) and 6) Pramod (son).
- As per Namuna Number 4 – Takhta Jamabandhi – village: Narsapur-Khurd, Taluka: Utnoor, District: Adilabad, for the year: 1358 Fasli (1948 year) – true translation from Modi Marathi language to English done by Nagorao Jhade – Sri Deepchand S/o Allaram (great great grandfather of appellant) was in possession of land for an extent of 16.3 acres in Sy.No.3 – true copy issued by Dy.Tahsildar, Utnoor (M) vide RK No.36/2013, dated 30.01.2013.
- As per Khasra 1954-55 – village: Narsapur-Khurd – name of Deepchand S/o Allaram (great great grandfather of appellant)) was shown in Sy.No.3 for an extent of acs.16.3 gts.
- Copy of pahani for 1955-56 – village: Narsapur-K – shows name of Deepchand S/o Allaram (great great grandfather of appellant) in Sy.No.3 for an extent of acs.16.3 gts.
- Copy of pahani for the years 1958-59, 1959-60, 1960-61 – village: Narsapur-K – shows name of Deepchand S/o Allaram (great great grandfather of appellant) in Sy.No.3 for an extent of acs.16.3 gts.
- Copy of pahani 1962-63 – village: Narsapur-K – shows name of Gambeerya S/o Sangram (grandfather of appellant) for an extent of acs.12.00 gts in Sy.No.3.
- Copy of pahani 1968-69 – village: Narsapur-K – shows name of Gambeerya S/o Sangram (grandfather of appellant) for an extent of acs.7.00 in Sy.No.3.
- Copy of pahani 1972-73 - village: Narsapur-K – shows name of Kishore S/o Gambeera (father of appellant) for an extent of acs.4.00 in Sy.No.3.
- Copy of pahani 1988-89 – village: Narsapur-K – shows name of Kishore S/o Gambeera (father of appellant) for an extent of acs.4.00 in Sy.No.3/36.
- Copy of pahani 1999-2000 – village: Narsapur-K – shows name of Chavan Kishore S/o Gambeera (father of appellant) for an extent of acs.1.18 gts.

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- Copy of Wasool Baqui – village: Narsapur-K – shows name of Deepchand S/o Allaram in Sy.No.3.
- Copy of agreement of sale written in Urdu and translated – according to which Sri Fakeera S/o Ramla caste: Lambada, 30 years occ: Agriculture, R/o Narsapur-B sold his own land in Sy.No.5 exteent 4 acres for Rs.3000 to Gambeerya S/o Sangram aged 35 years, R/o Narsapur-B village – this was executed on 21.04.1948.
- Copy of Property Tax for the year 1968-69 of GP Tadihadpnoor, Narnoor Mandal – shows name of Ragha (brother of grandfather Gambeera) paid tax of 00.50 ps.
- Copy of PPB bearing No.T13180090003 – Khata No.4 – village: Narsapur-Khurd, Mandal: Utnoor, District: Adilabad – issued by Tahsildar, Utnoor to Sri Chavan Kishore S/o Gambeera – showing an extent of 1.18 acres in Sy.No.2/3 and 4.21 acres in Sy.No.3/18.
- Copy of voter list for the year 1977 – village: Narsapur-B, Utnoor Taluq – District: Adilabad – shows names of 1) Paltya Farida S/o Sanga (brother of grandfather Gambeera) at Sl.No.391 and 2) Gangabai W/o Farida at Sl.No.392 under H.No.3-7A; 1) Ade Surya S/o Lalsingh and 2) Gulabi W/o Surya (aunte i.e. sister of father) at Sl.Nos.395 and 396 under H.No.3-10; and Paltya Gambeerya S/o Sanga (grandfather of appellant) at Sl.No.411 and Thothibai W/o Gambeerya (grandmother of appellant) at Sl.No.412 under H.No.3-19.
- Certificate of Proof of Local ST community bearing No.E/490/2009, dt.06.02.2009 issued by the Tahsildar, Utnoor to Sri Chavan Dharmender S/o Chowhan Kishore of Utnoor village and Mandal – wherein it was certified that the residence of Chavan Dhamender i.e. Utnoor falls in scheduled area w.e.f. 26.1.1950. His parents are also residents of Utnoor village (from 1950) of Utnoor mandal which falls within the scheduled areas w.e.f. 26.1.1950.
- Agency Area Local ST Certificate bearing Rc.No.C/267/2018, dt.25.7.2018 issued by the Tahsildar, Indervelly to Sri Chavan Dharmender Son of Sri Chavan Kishore certifying that parents/grandparents of Chavan Dharmender resided at Narsapur-B village of Utnoor mandal, then after his father migrated from Narsapur-B village of Utnoor Mandal to Indervelly-B village of Indervelly Mandal in the year 1987. He has been residing at Indervelly-B village of Indervely Mandal which is a notified scheduled village.
- Migration Certificate bearing No.C/256/2019, dt.12.06.2019 issued by the Tahisldar, Utnoor Mandal to Sri Chavan Kishore S/o Gambeera village: Indravelly Mandal: Indravelly District: Adilabad belongs to ST Lambada and not migrated to Telangana from any other State. This is with reference to enrolment of father residing at H.No.3-19 vide Sl.No.411 in the voter list of 1977 – Part No.90 of 243 Khanapur Assembly Constituency within Adilabad Parliamentary Constituency.
- Copy of affidavit duly Notarized submitted before the Tahsildar, Utnoor Mandal – deponent: Chavan Kishore S/o Chavan Gambeera – wherein he deposed that his grandfather Chavan Sangram

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S/o Deepchand died on 15.07.1956 leaving behind him and other deponents.

- Copy of Affidavit duly Notarized submitted before the Tahsildar, Indravelly Mandal – deponent: Chavan Kishore S/o Gambeera – wherein he has submitted replies to the objections – gist of which is as follows:

Reply to Objection No.1: Statements of 1) Sri Jadhav Devji S/o Jaithram caste: Lambada, aged: 85 years, occ: Agriculture R/o Jaithram Thanda H/o Narsapur-B, Mandal: Utnoor and 2) Sri Chavan Govind S/o Ramlal caste: Lambada, aged: 80 years, occ: agriculture R/o Jaithram Thanda H/o Narsapur-B, Mandal: Utnoor – wherein they deposed that Sri Chavan Deepla @ Deepchand S/o Allaram residing before 1950 in Jaithram thanda H/o Narsapur-B village from before 1950 and he was having only one son namely Chavan Sanga @ Sangram and Deepchand has no other children except Sangram.

Reply to Objection No.2: Chavan Deepla @ Deepchand S/o Allaram R/o Narsapur-B Utnoor Mandal was having land in Sy.No.3 extent 16.03 acres in Narsapur-K village and he was cultivating during his life time and he expired in the year 1961. After his expiry, his grandson Gambeera S/o Sangram was in possession and cultivating the land from 1962 to 1971 as only son of Deepla viz., Sangram was also expired in the year 1956. After that Chavan Kishore S/o Gambeera cultivating the lands from 1972 to till now. The pattedar Deepchand expired in the year 1961 and his son Sangram expired in the year 1956, name of Sangram was not recorded in revenue records. The form No.10 Death & Birth of Sri Ch.Sangram S/o Deepchand expired in the year 1956 certificate issued by the Panchayat Secretary, GP Jaithram Thanda dated 15.11.2019 and self declaration of Sri Chavan Kishore S/o Chavan Gambeer dt.15.11.2019 are submitted duly attested for evidence.

With regard to names not shown in the voter list, it is submitted that their names have been shown in the voter list:

At Sl.No.411 H.No.3-19, Palutya Gambeera S/o Sangra Block No.3, Part No.90, voter list of 243 Khanapur Assembly Constituency, 1977, Narsapur-B village, Utnoor Mandal.

S.No.391 H.No.3-7A Palutya Farida S/o Singa block No.3, Part No.90 – voter list of 243 Khanapur Assembly Constituency for the year 1977.

At Sl.No.651 under H.No.3-51/2, Ragha Chavan S/o Sangram – Part NBo.97, Thadihathnoor 243 Khanapur Assembly Constituency 1977. He went and residing at Thadihathnoor from the year 1968-69 due to which his name entered in the voter list of Thadihathnoor Part No.97.

Reply to Objection No.3: Present surname in the voter list 1977 shown Palthya mentioned now, surname Chavan – it is submitted that as per Banjara list communicated by the Government that the following caste comes under Chavan/Chauhan – (6)

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Dumaavath/Chauradiya	Kayloth Korra	Mood
Paalthyaa	Sabavat Lavadiya	

- As per certificate dated 15.11.2019 issued by Panchayat Secretary, GP Jaithram Thanda, Utnoor Mandal – the details of death of Sri Ch.Sangram S/o Deepchand have not been found in the registry pertaining to year 1956.
- Copy of resolution made by Gram Panchayat, Jaithramtanda, Mdl: Utnoor – wherein it was declared that Sri Chauhan Kishore S/o Gambeera lived in Jaithramthanda of Indravelli Mandal till 1987 and later secured job and migrated to Indravelli.

Father of Chauhan Kishore viz., Chauhan Gambeeram S/o Sangram has three daughters viz., 1) Chauhan Gulabibai – she was married to Ade Surya of Narsapur and she died about 20 years back. 2) Chauhan Kesaribai – she was married to Jadhav Ramunaik of Yenda village – she was also expired. 3) Chauhan Vimalabai – she was married to Rathod Namdev of Dadonda village – presently she is living in the same village.

Mother of Gambira Smt.Chauhan Gangubai W/o Sangram died before 1950 in Jaithram thanda H/o Narsapur-B village.

- Copy of PESA Gram Sabha resolution – wherein it was resolved that Sri Chavan Kishore S/o Gambeeram is resident of Indravelli. His grandfather Sri Sangram lived in Jaithram thanda from before 1950 and died in the year 1956. Sangram has four sons viz., 1) Gambeera 2) Fareeda 3) Ragha and 4) Narayana. These four sons born in Jaithramthanda before 1950. In the year 1967, Ragha and Narayana migrated to Tadihathnoor village while Gambeera and Fareeda were doing cultivation in Jaithramthanda only and both died before 1990 in Narsapur thanda.

Gambeera has (3) daughters and (1) son viz.,

- 1) Gulabibai – she was married to Ade Surya S/o Lalsingh before 1950 in Jaithramthanda – she was expired.
- 2) Kesaribai – she was married in 1955 with Jadhav Ramunaik S/o Mansingh of Yenda village – she was also expired.
- 3) Vimalabai – she was married in 1960 with Rathod Namdev S/o Gema in 1960 - she is 80 years old and alive now.

Thus, the family lived in Jaithram thanda from before 1950 and there is no objection for issue of TRT appointment orders to Sri Chavan Dharmender S/o Kishore R/o Indravelli.

- Resolution of Gram Panchayat: Jaithram thanda, Utnoor Mandal dt.14.03.2020 – Family of late Sri Sangram and his sons viz., Gambeera, Fareeda, Ragha, Narayana lived in Jaithramthanda H/o Narsapur-B village from before 1950 and were doing cultivation in Narsapur-K village.

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5. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.

6. Accordingly, vide reference 5th read above, the PO, ITDA, Utnoor, Adilabad District has submitted original record of the case along with para-wise remarks.

7. Vide reference 6th read above, a Notice has been to the Appellant to attend for hearing on 05.09.2020 at 11.00 AM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 05.09.2020 and submitted the documents as submitted along with Appeal Petition.

8. Perusal of the family tree, land documents, voter list for the year 1977, resolutions of GP Jaithramthanda and PESA Gram Sabha etc. it is established that:

- i) Deepchand S/o Allaram (great great grandfather of appellant Chavan Dharmender) has only one son namely Sangram (i.e. great grandfather of appellant) who has four sons viz., 1) Gambeera (grandfather of appellant) 2) Fareeda 3) Ragha and 4) Narayan – all they lived in Jaithramthanda H/o Narsapur-B village of Utnoor Mandal while they were cultivating lands in Narsapur-K village of Utnoor Mandal.
- ii) As Sangram (great grandfather of appellant) i.e. son of Deepchand (great great grandfather of appellant) died in the year 1956 while Deepchand died in 1961, the name of Sangram i.e. (great grandfather of appellant and grandfather of appellant's father) did not come on land records and name of Gambeera i.e. grandfather of appellant and father of appellant's father Chavan Kishore came on record from 1962 onwards till date.
- iii) Father of appellant migrated from Narsapur-B village of Utnoor Mandal to Indervelly-B village of Indervelly Mandal in the year 1987 as certified by the revenue authorities.
- iv) Both Narsapur-B village of Utnoor Mandal and Indervelly-B of Indervelly Mandal are agency villages as per Scheduled Areas (Part-B States) Order, 1950 and hence the continuous stay of the appellant with his fore-fathers living in agency area since 26.1.1950 is established.
- v) Another finding that they belong to Mathura caste – no evidence is made available on record.

9. Government after careful examination of the documents available on record sent by the the PO, ITDA, Utnoor, Adilabad District, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1

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of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, it is found that the appellant Chavan Dharmender S/o Kishore presently residing at Indervelly village of Indervelly Mandal in Adilabad District is a local ST in terms of GO Ms.No.24, dt.12.6.2018 of TW (LTR.1) Department as the appellant and his forefathers have been continuously living in the agency villages i.e. Narsapur-B of Uttoor Mandal and Indervelly-B of Indervelly Mandal in Adilabad District. The LSTAC issued by the Tahsildar, Indervelly bearing R.C.No.C/267/2018, dt.25.7.2018, is treated as valid.

10. Accordingly, Government hereby set aside the cancellation orders of the Collector & District Magistrate, Adilabad District in Procs.No.C3/2596/2019-14, dt.01.02.2020 and allow the Appeal Petition filed by Chavan Dharmender S/o Kishore R/o Indervelly village of Indervelly Mandal of Adilabad District.

11. The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.
Chavan Dharmender, S/o Kishore, R/o Indervelly village,
Indervelly Mandal, Adilabad District.

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad
(for information & necessary action)
2. The Project Officer, ITDA Uttoor, Adilabad District
(for information & necessary action)
3. The District Educational Officer, Adilabad
(for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER